



PTO/SB/33 (07-05)

United States Patent & Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 059864.00529
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 09/731,758
	Filed: December 8, 2000
	First Named Inventor: Stefano FACCIN
	Art Unit: 2152 Examiner: Chankong Dohm

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.
Registration No. 43,828

- ☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____

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April 3, 2007

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Stefano FACCIN, et al.
Application No.: 09/731,758
Filed: December 8, 2000

Art Unit: 2152
Examiner: Chankong, Dohm
Attorney Dkt. No.: 059864.00529

For: SYSTEM AND METHOD OF CONTROLLING APPLICATION LEVEL ACCESS OF
SUBSCRIBER TO A NETWORK

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 3, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-85 in the above identified application. Claims 1-85 were finally rejected in the Office Action dated January 3, 2007. Applicants filed a Response to the Final Office Action on March 5, 2007, and the Office issued an Advisory Action dated March 19, 2007 maintaining the final rejections of claims 1-85. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review. A Notice of Appeal is filed timely concurrently herewith. This Pre-Appeal Brief Request for Review is being timely filed. As will be discussed below, numerous clear errors exist in the final rejections that require withdrawal thereof.

Claims 1, 34, 37, 68, 78 and 85 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2001/0031635 to Baharatia (hereinafter Baharatia). As outlined below, Baharatia fails to disclose or suggest the elements of claims 1, 34, 37, 68, 78 and 85. The failure of Baharatia to disclose each and every element of the present claims constitutes clear error.

Baharatia discloses that a Home Subscriber Service (HSS) is responsible for storing and managing (1) subscriber identification, numbering and addressing information; (2) user security information, for example, network access control information for authentication and

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authorization; (3) user location information at inter-system level and (4) the subscriber profile, for example, services supported, service specific information, etc. Based upon this subscriber information, the HSS is also responsible for supporting the call control and short message entities of the different control systems offered by the system operator. A mobile terminal initiates registration by sending a registration request message to a serving CSCF, the request includes the identity of a corresponding subscriber. The serving CSCF requests the subscriber's profile from the HSS by sending a registration notification message to the HSS. In response to the receipt of the registration notification message, the HSS sends a registration cancellation message to the old CSCF. The old CSCF then erases the current information it stores for the subscriber and acknowledges the request by sending a registration cancellation confirmation message to the HSS. The HSS then provides the subscriber information to the serving SGSN via a registration notification acknowledgement message. Finally, the registration is confirmed to the mobile terminal by the serving CSCF in a registration confirmation message. See Figure 3 and paragraphs 0111-0116 of Baharatia.

Applicant submits that the rejection of claims 1, 34, 37, 68, 78 and 85 under 35 U.S.C. 102(e) based on the teachings of Baharatia is clearly erroneous. Applicants submit that Baharatia does not teach or suggest each of the features recited in claims 1, 34, 37, 68, 78 and 85. The Office Action alleged that Baharatia teaches wherein an application level registration message including the identification of the subscriber is generated **in response** to a request from a subscriber equipment to the visited network, and wherein the visited network receiving the request transmits an update location message to the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located, as recited in claims 1, 34, 37, 68, 78 and 85. The cited sections of Baharatia discloses that a mobile terminal **initiates registration by sending a registration request message** to a serving CSCF, the request includes the identity of a corresponding subscriber. Therefore, in Baharatia, the registration request message is not generated **in response to** a request from the subscriber equipment to the visited network, as recited in claims 1, 34, 37, 68, 78 and 85. Rather, in Baharatia, the registration request message is the request from the subscriber equipment to the visited network.

There is also no teaching or suggestion in Baharatia that the visited network receiving the request transmits an update location message to the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located, as recited in claims 1, 34, 37, 68, 78 and 85. In Baharatia, the visited network merely requests the subscriber's profile from the HSS. There is no teaching or suggestion in Baharatia of the visited network informing the home network of a particular network in which the subscriber is located, as alleged in the Office Action. Given the arguments above, Applicant respectfully asserts that the rejection under 35 U.S.C. §102(e) is in clear error and that the rejection should be withdrawn because Baharatia fails to teach or suggest each feature of claims 1, 34, 37, 68, 78 and 85.

Claims 1-31 and 34-85 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,742,668 Pepe (hereinafter Pepe) in view of U.S. Patent No. 6,611,685 to Rune (hereinafter Rune). Claims 32 and 33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe in view of U.S. Patent No. 6,148,199 to Hoffman (hereinafter Hoffman). Claims 1, 34, 37, 68 and 78 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,745,029 Lahtinen (hereinafter Lahtinen) in view of U.S. Patent No. 6,769,000 to Akhtar (hereinafter Akhtar). Claims 1, 34, 37, 68 and 78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of U.S. Patent No. 6,947,432 to Roy (hereinafter Roy). As outlined below, Pepe and Rune fail to disclose or suggest the elements of claims 1-31 and 34-85, Pepe and Hoffman fail to disclose or suggest the elements of claims 32 and 33, Lahtinen and Akhtar fail to disclose or suggest the elements of claims 1, 34, 37, 68 and 78 and Hoffman and Roy fail to disclose or suggest the elements of claims 1, 34, 37, 68 and 78. The failure of Pepe and Rune, Pepe and Hoffman, Lahtinen and Akhtar, and Hoffman and Roy to disclose each and every element of the present claims constitutes clear error.

Pepe relates to an electronic messaging network. Pepe describes a personal communications interworking (PCI) 40 connected between wireless network 39 and wireline network 29. PCI 40 permits the mobile communications subscriber to send and receive messages between disparate networks, messaging systems and a variety of service providers. Figure 3 of Pepe shows PCI 40 and a PCI database 44 that stores and updates subscriber profiles. Pepe describes one phone number that provides a single link between the service provider and

the subscriber's voice and data communications lines. See at least page 15, line 66-page 16, line 35 and Figure 12 of Pepe.

Rune discloses that a gateway location register receives a reset message from a home location register when the home location register is recovering from a fault. See at least Col. 5, line 56-Col. 6, line 54 and Figures 6A and 6B.

Hoffman discloses that a typical communications network includes a home location register (HLR) that includes user information, user profiles, feature activation status, and access privileges.

Lahtinen discloses that a subscriber moving from one network to another will have available all the supplementary network services that the subscriber's user terminal supports. Supplementary services are always associated with a certain amount of data which has to be stored in a permanent subscriber database and transferred to a system visited at a particular time. Col. 2, lines 39-46 and Col. 3, lines 17-26.

Akhtar discloses a communications architecture for enabling IP-based mobile communications.

Roy discloses that a mobile entity's location information is updated with a home location function using a request message because the mobile entity is now in a visited network in its home zone. The home location function stores that the mobile entity is associated with a different network and, in the event of an inter-zone move, the identity of the visiting zone and network. The home location function sends a location update confirmation to a home gatekeeper which sends back a registration message to the mobile entity. See at least Col. 8, line 43-Col. 9, line 10.

Applicant submits that the rejections of claims based on the teachings of Pepe and Rune, Pepe and Hoffman, Lahtinen and Akhtar and Hoffman and Roy is clearly erroneous. Each of claims 1, 34, 37, 68 and 78 recites, in part, wherein an application level registration message including the identification of the subscriber and is generated in response to a request from a subscriber equipment to the visited network and wherein the visited network receiving the request transmits an update location message to the home network for informing the home network of the identification of the subscriber and a particular network at which the subscriber is located. Neither Pepe and Rune, Pepe and Hoffman, Lahtinen and Akhtar nor Hoffman and Roy

teach or suggest these features. Given the arguments above, Applicant respectfully asserts that the rejections under 35 U.S.C. §103(a) are in clear error and that the rejections should be withdrawn because neither Pepe and Rune, Pepe and Hoffman, Lahtinen and Akhtar nor Hoffman and Roy, whether taken singly or combined teaches or suggest each feature of claims 1, 34, 37, 68, 78 and 85, and hence dependent claims 2-32, 33, 35-36, 38-67, 69-77 and 79-84 thereon.

For all of the above noted reasons, it is strongly submitted that certain clear differences exist between the present invention as claimed in claims 1-85 and the prior art relied upon by the Examiner. It is further submitted that these differences are more than sufficient that the present invention would not have been anticipated or obvious to a person having ordinary skill in the art at the time the invention was made. This final rejection being in clear error, therefore, it is respectfully requested that the Examiner's decision be reversed in this case regarding the rejections of claims 1-85, and indicate the allowability of all of pending claims 27-51. Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: PTO/SB/33 Form; Notice of Appeal; Check No. 16152